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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,146	07/10/2003	Anca Faur-Ghenciu	GMC0025PA/40320.29/GP-302	1398

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EXAMINER
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HANDAL, KAITLY V

ART UNIT	PAPER NUMBER
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1764

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/617,146

Applicant(s)

FAUR-GHENCIU ET AL.

Examiner

Kaity Handal

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claims Analysis***

It is noted that claim 36-61 recite a "system". It has been determined that the claims are directed to an apparatus and the appropriate principles for interpreting claims for that particular category of invention have been applied.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation of "selected from..." is improper Markush terminology.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### ***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-61 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nunan (US 6,040,265).

With respect to claims 1-2, 4, 12-13, 15-16, 24-25, 27-29, 36-37, 42, 44-45, 50-51, 53-55, 59-60, Nunan teaches a method and apparatus for reducing an amount of carbon monoxide in process fuel gas in a water gas shift converter comprising: placing a high activity water gas shift catalyst system into a water gas shift converter (col. 1, lines 43-56 and col. 2, lines 46-52), the high activity water gas shift catalyst system comprising a noble metal/(Pt or Pd) (col. 10, line 65); a mixed metal oxide support consisting essentially of cerium oxide and zirconium oxide, wherein cerium oxide is present in an amount from about 45% to about 90% by weight of mixed metal oxide and zirconium/lanthanum oxide is present in amount from about 10% to 55% by weight of mixed metal oxide (col. 10, lines 64 col. 11, lines 1-5), and a promoter comprising Yttrium (col. 11, line 7); and passing the process fuel gas through the water gas shift converter in effective contact with the high activity water gas shift catalyst system (Ceria based catalyst) and converting a portion of the carbon monoxide in the process fuel gas into carbon dioxide and hydrogen by a water gas shift reaction (col. 1, lines 43-56 and col. 2, lines 46-57).

With respect to claims 3, 14, 26, 38, 46, 56, Nunan further teaches wherein the noble metal/(group VIII) is present in an amount of between about 0.01% to about 4% by weight of total catalyst (col. 13, lines 40-43).

With respect to claims 5, 17, 30, 43, 52, 61, Nunan further teaches wherein the promoter is present in an amount of between 1% and about 20% by weight of total catalyst (col. 14, lines 23-25).

With respect to claims 6-7, 18-19, 31, 39-40, 47-48, 57, Nunan further teaches wherein the mixed metal oxide support further comprises a support dopant/(additional promoter) selected from lanthanum (col. 14, lines 8-15).

With respect to claims 8, 20, 32, Nunan further teaches wherein the support dopant/(additional promoter) is in the form of a metal oxide (col. 14, lines 8-21).

With respect to claims 9, 21, 33, 41, 49, 58, Nunan further teaches wherein the support dopant/(additional promoter) is present in an amount of between about 1% and about 20% by weight of mixed metal oxide (col. 14, lines 8-25).

With respect to claim 10-11, 22-23, 34-35, Nunan teaches wherein the process fuel gas passes through the water gas shift at a temperature of about 225<sup>0</sup>C (col. 15, lines 53-57).

If the options in the Nunan as to the various catalyst/promoter/dopant material groups appear non-anticipatory, then it is deemed obvious to one having skill in the art to choose from these options.

***Response to Arguments***

**Prior Art Rejection**

Applicant submitted a C.F.R 1.131 disclosure and thereby rendered the previously applied prior art of Wagner et al. (US 2003/0186804 A1) unavailable. A new rejection has been made as set forth above.

**Double Patenting Rejection**

The Double Patenting Rejection previously made has been withdrawn due to applicant having submitted a Terminal Disclaimer.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaity Handal whose telephone number is (571) 272-8520. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KH

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2/26/2007



GLENN A. CALDAROLA  
PRIMARY EXAMINER

TC GROUP 1700